

Remarks

I. Introduction

This is in response to the Office Action dated June 29, 2004. The Office Action rejected claims 32-50 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,867,661 (Bittinger et al.).

Applicants traverse the rejection.

Claims 1-31 have been cancelled by a prior preliminary amendment. Claims 32, 36, 38-43, 46, 49 and 50 have been amended herein to clarify the claimed subject matter and to correct certain typographical errors. Claims 32-50 remain for consideration.

II. Rejection under 35 U.S.C. §102(e)

All pending claims have been rejected under 35 U.S.C. §102(e) as being anticipated by Bittinger et al. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Bittinger et al. does not show each and every limitation of claims 32-50. Therefore, applicants request the withdrawal of the rejection under 35 U.S.C. §102(e). While Bittinger et al. does have some similarity to the present invention, the claims of the present invention contain limitations directed to subject matter which is not disclosed in Bittinger et al., and are therefore allowable.

Independent claim 32 contains the following limitation:

receiving a request for retrieval of a data page **wherein the request further comprises an indication that a response to the request can contain difference data.**

This limitation requires that the request for retrieval of a data page comprises "an indication that a response to the request can contain difference data". This limitation is not disclosed in Bittinger et al., which discloses a system which assumes that the client and server side of the communication both are operating in accordance with the particular protocol set forth therein. Therefore, there is no need for a request in Bittinger et al. to include an indication that the response to the request can contain difference data. Since this limitation is not present in Bittinger et al., that reference cannot anticipate claim 32

under the strict anticipation standard of §102. Further, the Office Action fails to address this limitation in its rejection of claim 32. If the Examiner persists in the rejection of claim 32, Applicants respectfully request that the Examiner specifically address this claim limitation and cite a particular portion of Bittinger, et al. in support of the rejection. For these reasons, claim 32 is allowable over the cited reference.

In addition, claim 32 as amended also contains the limitations of:

transmitting a first version of the data page in response to the request;
...
if there is a difference between the second version of the data page and the first version of the data page, transmitting in response to said request difference data computed from the difference between the first version of the data page and the second version of the data page.

Thus, in response to a particular request, the invention claimed in claim 1 transmits both 'a first version of the data page' as well as the 'difference data'. Bittinger et al. does not disclose the transmission of both a first version of a data page and difference data in response to a particular request. While Bittinger et al. discloses the transmission of data pages as well as the transmission of difference data, it does not disclose the transmission of both a data page and difference data in response to the same client request. As such, claim 32 is allowable for this additional reason as well.

The other independent claim, claim 46, is also allowable over Bittinger et al. Claim 46 contains the limitation of 'receiving a request for retrieval of a data page wherein the request further comprises identification of a first version of the data page and **an indication that a response to the request can contain difference data**'. For the reasons discussed above in connection with claim 32, Bittinger et al. does not disclose the limitation of the request comprising an indication that a response to the request can contain difference data. Since this limitation is not present in Bittinger et al., that reference cannot anticipate claim 46 under the strict anticipation standard of §102.

For the reasons discussed above, all independent claims are allowable over the cited art. Allowance of all independent claims is requested.

All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable. These dependent claims are also allowable because they add additional allowable subject matter as follows.

Dependent claim 37 contains the limitation that the “difference data is computed on a continuing basis as the second version of the data page is retrieved from the server”. The Office Action does not specifically address this limitation, but addresses claims 34–39 as a group in paragraph 6 of the Office Action. In addressing this claim group, the Office Action cites several sections of Bittinger et al., but none of these cited sections are directed to the claim limitation of computing the difference data on a continuing basis as the second version of the data page is retrieved from the server. Since Bittinger et al. does not disclose this limitation, claim 37 is allowable under the strict anticipation standard of §102. If the Examiner persists in the rejection of claim 37, Applicants respectfully request that the Examiner particularly address this claim limitation and cite a particular portion of Bittinger et al. in support of the rejection.

Dependent claim 38 contains the limitation that the “computation and transmission of the difference data is aborted and the second version of the data page is transmitted in response to the request if the difference data has a size that exceeds a threshold.” Further, dependent claim 39 adds the limitation that “the threshold is a function of the size of the data page.” Once again, the Office Action does not specifically address these limitation, but addresses claims 38 and 39 as part of the above described group of claims 34–39. In addressing this claim group, the Office Action cites several sections of Bittinger et al., but again none of these cited sections are directed to the claim limitation of aborting computation and transmission of the difference data if the size of the difference data exceeds a threshold or where the threshold is a function of the size of the data page. Since Bittinger et al. does not disclose these limitations, claims 38 and 39 are allowable under the strict anticipation standard of §102. If the Examiner persists in the rejection of claims 38 and 39, Applicants respectfully request that the Examiner particular address these claim limitations and cite a particular portion of Bittinger et al. in support of the rejection.

Dependent claims 40 and 49 contain the limitation of:

transmission of a response containing the difference data is aborted and the second version of the data page is transmitted in response to the request if the second version of the data page has a size that exceeds a ~~second~~ threshold based on the size of the difference data.

Further, dependent claims 41 and 50 add the limitation that “the threshold is also based on a cost of computing the second version of the data page from the difference data.” In rejecting these claims, the office action cites Bittinger et al. at col. 14, lines 61-67 and col. 15, lines 1-3 as teaching “transmitting the second portion instead of the difference data”. However, the cited portions do not support the cited statement, and even if they did, the cited statement does not render the claims anticipated. First, claims 40 and 49 contain limitations in addition to “transmitting the second portion instead of the difference data”, and these additional limitations have not been addressed by the Office Action. In particular, claims 40 and 49 require the steps of aborting the transmission of the difference data and transmitting the second version of the data page if a particular condition is met. The cited portion of Bittinger et al. is directed to a determination as to whether the server-side cache needs updating, and this decision may be made by comparing the difference data to a threshold. However, the mere use of a threshold in a determination does not render the particular limitation of claims 40, 41, 49 and 50 anticipated. The use of a threshold as taught by the cited portion of Bittinger et al. is unrelated to the claimed condition that “the second version of the data page has a size that exceeds a threshold”. Thus, claims 40, 41, 49 and 50 are allowable under the strict anticipation standard of §102. If the Examiner persists in the rejection of these claims, Applicants respectfully request that the Examiner particular address these claim limitations and cite a particular portion of Bittinger et al. in support of the rejection.

Dependent claim 42 contains the limitation of

transmission of the first version of the data page and of a response containing the difference data are aborted and the second version of the data page transmitted in response to the request if only a portion of the first version of the data page has been transmitted and the portion has a size that does not exceed a threshold.

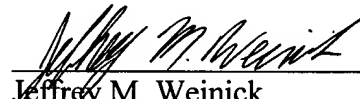
Further, dependent claim 43 adds the limitation that “the threshold is based on the size of the data page.” These claims were rejected on the same grounds as claims 40 and 49 discussed above, and claims 42 and 43 are allowable over Bittinger et al. for the same reasons discussed above in connection with claims 40, 41, 49 and 50. More particularly, there is no disclosure in Bittinger et al. of aborting the transmission of the first version of the data page and of the difference data if “only a portion of the first version of the data

page has been transmitted and the portion has a size that does not exceed a threshold?" As discussed above, the cited portion of Bittinger et al. is directed to a determination as to whether the server-side cache needs updating, and this decision may be made by comparing the difference data to a threshold. However, the mere use of a threshold in a determination does not render the particular limitation of claims 42 and 43 anticipated. The use of a threshold as taught by the cite portion of Bittinger et al. is unrelated to the particular conditions in claims 42 and 43. Thus, claims 42 and 43 are allowable under the strict anticipation standard of §102. If the Examiner persists in the rejection of claims 42 and 43, Applicants respectfully request that the Examiner particular address these claim limitations and cite a particular portion of Bittinger et al. in support of the rejection.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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